

Board of County Commissioners

Division of Planning & Development

Code Compliance Department

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CODE ENFORCEMENT BOARD

July 12, 2004

The regular meeting of the Code Enforcement Board of Sumter County, Florida, was called to order on Monday, July 12, 2004 at 6:01 P.M. followed by the Pledge of Allegiance to the Flag.

The following Board members were present: Horton Barnes/Chairperson, Drexel Clark, Cheryl Barnes, Tommy Messer, Diana Couillard and Terry Pasko.

Charles Castle was absent.

Present from the Code Compliance staff were Paul Jochum-Code Compliance Manager, Al Folden-Code Compliance Inspector and Alysia Akins-Code Enforcement Board Secretary.

Terry Neal-Attorney for the Sumter County Code Compliance Inspectors was present and Randall Thornton-Attorney for the Code Enforcement Board was also present.

Mr. Messer made a motion to approve the minutes from the June 14, 2004 meeting.
Mrs. Barnes seconded the motion and the motion carried.

Mr. Jochum and Mr. Folden were sworn in.

Old Business:

Robert Lindsay was present and requested to speak.

Mrs. Couillard made a motion to allow Mr. Lindsay the opportunity to speak after all of the old business had been heard. Mr. Pasko seconded the motion and the motion carried.

The following cases have been issued an affidavit of compliance:

CC2003-391/Hendrix

CC2003-412/Sammons

The following cases have been sent to the attorney to start the process for foreclosure:

CC2003-331/Goodrum

CC2003-419/Huhn

CC2001-632/Davis

Attorney Thornton stated he had been researching this case and would start the process for foreclosing the lien.

CC2003-93/Perez

Mr. Folden informed the Board Mr. Perez still did not have a building permit, which was the requirement listed in the Final Order. Attorney Thornton advised staff to file a lien due to non-compliance.

CC2003-404/Okulski

Mr. Jochum informed the Board this property was still not in compliance and presented pictures to prove it. Mr. Jochum was asked to send a letter to the Respondent explaining the property was in non-compliance and the fine would not stop running until it was brought into compliance.

Mr. Messer made a motion to have Mr. Jochum send a letter to the Respondent stating the above. Mrs. Barnes seconded the motion and the motion carried.

Mr. Lindsay stated he had received the Findings of Fact for his case. Mr. Lindsay requested each board member introduce himself or herself for the video camera. Mr. Lindsay was informed each board member's nameplate was in front of them and could be viewed with the video camera. Mr. Barnes verified that he had signed the findings of fact regarding Mr. Lindsay's case. Attorney Neal stated she had prepared the draft copy of the order. Mr. Lindsay had been informed by zoning staff the next available zoning board agenda he could submit an application for was August 16, 2004. Mr. Lindsay stated he did apply for his variance and building permit. Mr. Lindsay stated he was a taxpayer and asked if this was a public meeting. Mr. Barnes informed Mr. Lindsay everyone present were taxpayers also. Mr. Barnes stated the board members were volunteers only and received \$20 per month for vehicle expenses. Mr. Barnes informed Mr. Lindsay this was a public meeting, but issues to be discussed needed to be placed on the agenda. Mr. Barnes also stated the board members made the decisions regarding the code cases. Mr. Lindsay pointed out that staff and attorneys were paid employees of the county.

New Business:

The following cases were noted in the record for filing of an affidavit of pre-hearing compliance:

CE2004-0086/Harrison

CE2004-0129/Gumby

File: CE2004-0053/Strickland

911 Address: 5161 CR 132A/Wildwood

Parcel: D33A010/OR – 927, PG - 156

SCCV: 13-51 (A)(2)(A) and 13-51(A)(3)(B)

John Vernon Head, attorney representing the Stricklands, submitted a letter to staff and the board requesting a continuance. Mr. Robidoux, tenant, was present in the audience.

Mrs. Couillard made a motion to continue the case, as requested, until the next meeting, August 9, 2004. Mrs. Barnes seconded the motion and the motion carried.

File: CE2004-0114/Graham

911 Address: 5380 CR 707/Webster

Parcel: T09=014/OR –757, PG - 296

SCCV: 13-332(a)(3)(a), 13-713(i)(1)(a-f) and 13-364(b)(2)(f)

The respondent was not present. Mr. Folden testified the Notice for Hearing had been sent by certified mail. Mr. Folden testified 7/9/04 had been his last visit to the property. Mr. Folden presented photographs that had been taken on 4/6/04 showing the violations. Mr. Folden testified there were approximately 18-20 untagged vehicles on the property being worked on. Mr. Folden testified a fence was being built, but had not been completed at this time. Albert English, subpoenaed witness for staff, was present and sworn in. Mr. English testified he could view the numerous vehicles on Mr. Graham's property from the road and expressed his various concerns regarding possible environmental hazards. Mr. English testified he did not feel putting a fence up would eliminate the violation. The proper definition of an "enclosed structure" was discussed. The board members made the determination that an "enclosed structure" required a roof and floor, in which a fence would not fall in that category. Attorney Thornton reminded staff and the board it was hard to prove commercial activity in residential areas.

Mrs. Couillard made a motion to give the Respondent 30 days to put the vehicles in an "enclosed structure", or remove them from the property, or a fine of twenty-five dollars (\$25.00) per day would be imposed for each and every day of non-compliance. Mrs. Barnes seconded the motion and the motion carried.

File: CE2004-0153/Moose Lodge
911 Address: 1317 N. C-470/Lake Panasoffkee
Parcel: J05=069/OR – 268, PG - 377
SCCV: 13-51(A)(2)(A)

Ralph Palmer-Moose Lodge Governor, Brian Was-Moose Lodge Junior Governor and Max Johnson-Moose Lodge Administrator were present and sworn in. Mr. Folden testified the Notice for Hearing had been sent by certified mail. Mr. Folden testified 7/12/04 had been his last visit to the property. Mr. Folden presented photographs that had been taken on 3/23/04 showing the violation. Mr. Folden testified he had informed the Lodge they could finish the shingles, but to leave it open for the building inspector. Mr. Folden testified the building permit was ready to be picked up, but had not been issued yet because the Lodge had been trying to locate a commercial building contractor to pull the permits for them since that was the requirement due to the type of use. Mr. Johnson testified he didn't think he needed a building permit for anything fewer than 100 square feet. Mr. Johnson submitted photographs into the record showing the work that had been done. The work requiring the permit was an 8' x 12' roof over. Mr. Johnson explained how the roof over had been built. Mrs. Couillard offered to help the Lodge locate the required building contractor to pull the permits.

Mrs. Couillard made a motion to table this case until the next meeting, August 9, 2004 in order to allow the respondent sufficient time to locate the required contractor to pick up the permits. Mrs. Barnes seconded the motion and the motion carried.

File: CE2003-0188/Duval's Park
911 Address: 7962 CR 647/Bushnell
Parcel: L24=019/OR – 975, PG - 538
SCCV: 13-51(A)(2)(A) and 13-51 (A)(3)(B)

The respondent was not present. Mr. Jochum testified the Notice for Hearing had been sent by certified mail and the property had been posted. Mr. Jochum testified 6/15/04 had been his last visit to the property. Mr. Jochum presented photographs that had been taken on 6/15/04 showing the violations. Mr. Jochum testified he had issued a stop work order on 1/22/04 due to a 12' x

24' shed being placed on the property without the required permits. Mr. Jochum testified Strickland Electric had been trying to pull the required permits, but had to address items submitted by the Building Official first.

Mrs. Barnes made a motion to allow the Respondent until September 13, 2004 to obtain the required permits, or a fine of twenty-five dollars (\$25.00) per day would be imposed for each and every day of non-compliance. Mrs. Couillard seconded the motion and the motion carried.

File: CE2004-0328/Schumacher
911 Address: 1494 S US 301/Sumterville
Parcel: J24=015/OR – 781, PG - 374
SCCV: 13-364(B)(2)(D)

The respondent was not present. Mr. Folden testified the Notice for Hearing had been sent by certified mail and hand delivered. Mr. Folden testified 7/12/04 had been his last visit to the property. Mr. Folden presented photographs that had been taken on 7/12/04 showing the violation. Mr. Folden testified the yard sale items had been piled up by a tree and covered. Mr. Folden testified he had received complaints on the property previous to this case.

Mr. Messer made a motion to allow the Respondent 10 days from receipt of the Final Order to remove all of the yard sale items from the property, or a fine of fifty dollars (\$50.00) per day would be imposed for each and every day of non-compliance. Mrs. Couillard seconded the motion and the motion carried.

Mr. Messer made a motion to request the Final Order be hand delivered. Mrs. Barnes seconded the motion and the motion carried.

A general financial statement was submitted to the Board reflecting staff costs that had been collected and cases brought into compliance since October, 2003.

There being no further business, Mrs. Couillard made a motion to adjourn at 7:10 PM. Mr. Messer seconded the motion and the motion carried.

Chairperson

Recording Secretary